IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 15.9.2006

National Insurance Company Ltd.

...Appellant

versus

Amarjit Kaur and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.R.C.Gupta, Advocate,
for the appellant.

UMA NATH SINGH, J. (ORAL)

In this FAO by the Insurance Company against an award dated 13.5.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Rupnagar, in MACT Case No.51/11.5.2004, learned counsel submitted that the insured vehicle was HR-03-1213, and not the vehicle No.HR-03-1215 which has been held rash and negligent in causing the accident. That apart, learned counsel has no other submission to raise.

We have carefully examined the award. Admittedly, the Insurance Company has participated in trial and at no stage took a specific plea that the offending vehicle is not insured by the company. This is a case of hit and run and the Insurance in para 10 & 11 of the award has contended that the offending vehicle was not involved in accident as submitted by learned counsel. Moreover, we also notice that though the Insurance Company placed the policy on record but has not led any evidence to substantiate the submission that the insured vehicle was not involved and

the vehicle involved in the accident has nothing to do with the company.

Under the circumstances, we do not find any merit in the appeal and it is dismissed in limine.

**( UMA NATH SINGH )**
**JUDGE**

**September 15, 2006** **( MAHESH GROVER )**
**pk** **JUDGE**